

Probably threatening tonight and Friday; colder tonight, with minimum temperature from 10 to 15 degrees.

## PRESIDENT CALLS FOR EARLY ACTION

Sends to Congress Reports on Carbon Monoxide in Gas.

## DEMAND FOR PROMPTNESS

District Commissioners Decide to Urge Legislation.

## INTEREST AT THE CAPITOL

House District Committee May Soon Hold a Special Meeting to Take Up the Question.

### PRESIDENT TO CONGRESS.

"The situation in reference to the consumption of illuminating gas furnished in the District of Columbia is one which would seem to require immediate action."—PRESIDENT ROOSEVELT.

### PUBLIC IS WARNED.

"The dangerous character of water gas or a mixture of gases with a high percentage of carbon monoxide, such as is furnished by the Washington Gas Light Company, should be known to every consumer of the product. Every precaution should be taken to see that all appliances used for heating and lighting purposes are of the most approved type and maintained in a clean and satisfactory condition."

"There should be, as recommended by Coroner Nevitt, a rigid inspection before installation of all fixtures by the inspector of plumbing or some other designated official."—Report of Drs. Haywood and Skinner to Dr. Wiley.

### THE REMEDY.

"The remedy lies in legislation. I am of the opinion that nothing can be done in the way of criminal prosecution, but that recommendations for remedial legislation should be made."—DANIEL W. BAKER, UNITED STATES ATTORNEY.

### LEGISLATION WANTED.

"I move that the Commissioners recommend to Congress that it amend the laws respecting the Washington Gas Light Company in its manufacture and distribution of gas, by either forbidding entirely the use of water gas or restricting the quantity used to such a minimum that its presence in the composition of the city gas would be insignificant and harmless."

"I also move that the corporation counsel be requested to advise the Commissioners whether pending the enactment of such legislation any legal steps can be taken by the Commissioners to prevent or reduce the manufacture and distribution of water gas by the Washington Gas Light Company."—MOTION ADOPTED BY DISTRICT COMMISSIONERS.

President Roosevelt sent to Congress today a special message asking that immediate action be taken on the report of the experts of the Department of Agriculture on their examinations of the methods of manufacturing gas by the Washington Gas Light Company. Accompanying the President's message were the report of the experts, the report of the Attorney General, to whom the President referred the matter, and the report of District Attorney Baker, whom the Attorney General requested to examine the laws of the District of Columbia bearing upon this question.

Mr. Baker's report, which is responsible for the President's putting the papers in the case before Congress with a request that they receive immediate attention from that body, is to the effect that under the existing laws nothing can be done in the nature of criminal prosecution, but that something should be done by Congress in the way of remedial legislation, either forbidding altogether the manufacture of water gas or by restricting the quantity of water to such a minimum that its use in the city would be harmless.

Two of the Commissioners of the District have concurred in Mr. Baker's recommendation. They are Commissioners Macfarland and West. It is probable that Commissioner Cosby will also concur when he reads the report. When Commissioner Cosby expresses his opinion officially the recommendations of the board of Commissioners will be forwarded to Congress.

Several weeks elapsed between the receipt of the report of the experts by the district attorney and the return of the report to the Attorney General by Mr. Baker.

During this time Mr. Baker made an exhaustive study of the laws, but found nothing upon which to base a prosecution in the criminal courts. The President, who is keenly interested in the case, will, it is understood, use all his influence with members of Congress to have them act promptly in the passage of legislation.

(Continued on Second Page.)

## CALLED LAWLESS ACT

President's Refusal to Give Senate Information.

## MR. CULBERSON'S REMARKS

Declares Chief Executive Permitted Violation of Law.

## HIS RESOLUTION GOES OVER

Calls on Judiciary Committee to Say if President Was Authorized to Permit Steel Consolidation.

"An arbitrary and lawless act of an important nature has been traced to the Chief Executive of the United States, who is solemnly obliged by the Constitution of the United States not only to enforce the law of the country, but to obey it himself."

These were the words in which Senator Culbertson of Texas got back at the President in the Senate this afternoon for refusing to permit the Attorney General to send to the Senate certain information regarding the attitude of the Department of Justice toward the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, and for stating that he was as President aware of all the details of the transaction.

Mr. Culbertson lost no time in replying to the President's message of yesterday on the subject. The moment the morning business was concluded today he took the floor and offered the following:

"Resolved, that the committee on the judiciary be, and it is hereby, directed to report to the Senate as early as may be practicable whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown in the message by the President in response to Senate resolution number 240, this session."

### Message Itself an Answer.

Mr. Culbertson then stated that his resolution, passed on the 4th of this month, was directed to the Attorney General and not to the President. He said he would not speak at length today in regard to the President's protest against the passage of the resolution.

"The message itself," he continued, "is a complete answer to the resolution of the Senate. It shows no department has been taken by the Department of Justice because the President took the matter in hand, as is his custom."

An opinion of former Attorney General Fisher was read by Mr. Culbertson to substantiate his argument that Congress might call upon a cabinet officer at any time for information of an official character, and that it was the duty of that officer to furnish such information.

"I do not intend to be diverted by this phase of the matter from the proposition that the President or the United States has permitted, by positive and affirmative action, the violation of the law of the land."

The Texas senator then told of the reports some months ago of the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, charging that this company was prosecuted by the government for an act exactly of the same nature as that of the steel corporation.

"The President has allowed the steel corporation to do what he would not allow the tobacco trust to do," declared Mr. Culbertson emphatically.

At this point Senator Hopkins of Illinois tried to smooth matters over by saying that the President had merely been non-committal, and had neither encouraged nor dissuaded the steel corporation from absorbing its rival.

"The senator from Texas is therefore doing the President's bidding," said Mr. Hopkins, "when he says the President approves of this action."

"I don't care whether he directed the Attorney General to do this or not," said Mr. Culbertson, "he is sworn to enforce the law," was Mr. Culbertson's reply.

### Quotes From Senator Nelson.

The minority leader then quoted a speech made last winter during the consideration of the financial bill by Senator Nelson of Minnesota, ridiculing the statement that the absorption of the Tennessee Coal and Iron Company had relieved the financial stringency, and in which Mr. Nelson referred to the fact that a couple of men had come down from New York to Washington and had been "bushwhacking around" and had gone away satisfied that the administration would not interfere with the deal.

Maybe the senator from Minnesota would like to withdraw that word "bushwhacking," now that he knows these gentlemen were at the White House," suggested Mr. Culbertson amid laughter.

When he had concluded his remarks Mr. Culbertson asked unanimous consent that his resolution be considered at once. An objection by Senator Clark of Wyoming, however, interfered with his plan.

The resolution went over under the rule until tomorrow. There was no further discussion of the subject today.

### FATAL GAS TANK EXPLOSION.

#### One Loses His Life and Two Others Are Injured at Richmond.

SPECIAL DISPATCH TO THE STAR.  
RICHMOND, Va., January 7.—By the explosion of a five-gallon tank of carbonic acid gas at the plant of the Beaufort Lithia Water Company this morning, Lee Cheatham lost his life, T. J. Knight was made blind in both eyes and Robert Russell, a negro, was frightfully burned about the face, arms and legs.

The three men, employees of the company, were moving the copper tank, which had just been charged with gas, when the accident occurred. The top of the copper vessel flew into fragments, one of which struck Cheatham on the head, fracturing his skull. The other two men received their injuries by being caught in the shower of carbonic acid gas. The tank was hurled a distance of 100 feet.



THE SUBCOMMITTEE AND THE DISTRICT BILL.

## LIVELY SESSION LOOKED FOR

ATTACKS ON PRESIDENT IN THE HOUSE TOMORROW EXPECTED.

Towney and Smith Have Things to Say About the Messages From the White House.

The Perkins special committee which for the past few days has been considering the secret service message of the President, in which he criticized members of Congress in connection with the passage last session of a provision limiting the activities of the service, has finally come to a decision.

The committee, it is learned on the best of authority today, is unanimous, and will bring in a report recommending that the objectionable portion of the President's messages be laid upon the table.

There will be debate on the report, in order that those members who have grievances to air, whether official or personal, will have all the time they may desire. Consequently practically the entire session of the House tomorrow will be given up to this subject.

The committee does not intend to recommend that the entire second message be laid upon the table, according to a statement made today by a man in a position to know, but will merely recommend that the objectionable language in the second message be laid upon the table, leaving, on policy view, as it were, the President's statement that he "did not need it."

### Many Want to Be Heard.

The powers that be of the House of Representatives have been deluged with requests for time from various members, many of whom would like to say a word or two although they were not mentioned by name in the President's messages and are not connected with the incident only through the fact that they voted when the sundry civil appropriation bill was under discussion by the House last session, in favor of the provision inserted by the appropriations committee to limit the activities of the secret service branch of the government to the detection and capture of counterfeiters and the protection of the person of the President.

The special committee was ready to make its report this morning, having completed the work for which it was appointed, in perfect harmony, at its last meeting yesterday afternoon. But the District of Columbia appropriation bill was scheduled to come up in the House today, and, besides, it was thought better to postpone consideration of the report of the Perkins committee until tomorrow, in order that all the time at the disposal of the members in charge might be allotted to those members who are held to fairly consider themselves a trifle more outraged than their colleagues.

It is expected that tomorrow's session will be a warm one, and that more things will be said during the several hours of that session than have been uttered in the chambers of the two secret service messages, Mr. Roosevelt's incumbency.

### Towney and Smith Will Speak.

This will all come true, too, if those members who have announced their intention of speaking do not get "cold feet." It is one thing to denounce the President in the corridors and committee rooms and another thing to stand up on the floor of the House and say the same thing for all the world to hear.

But Messrs. Towney and Smith, for instance, have both prepared the speeches they intend to deliver tomorrow, and, although neither of them is expected to say anything that will rattle the skylight or make their colleagues stuff cotton in their ears, it is nevertheless expected that they will take the President to task, and, officially, give the public a pretty good general idea of what they think of him for his recent utterances in the two secret service messages.

It is safe to say there will be no members missing from their seats who are able to walk when Congress convenes tomorrow. They are too much interested in the solemn and sacred duty of listening to every word of this purely "official" controversy between the two collateral branches of the government.

## LOOK TO THE SENATE

Commissioners Hope to Get Budget Through.

## CUT IN HOUSE COMMITTEE

Paring Down of School Estimates Cause of Regret.

## SEVERAL ITEMS THROWN OUT

No Provision Made for Clean Streets Inaugural Day or for Adequate Bathing Beach.

Although the District subcommittee of the House cut to the bone the estimates of the District Commissioners for appropriations for the District, the Commissioners will stand out for their original estimates and will renew their efforts to secure all of the items asked for before the Senate committee.

To Commissioner Macfarland the cut in the estimates for the schools is a special regret. Commissioner West says he is sorry that the effort to establish a good bathing beach is discouraged, and that no provision has been made for cleaning the streets along the line of the inaugural procession March 4.

While we much regret that the House committee on appropriations did not adopt all that we recommended in the District budget, and especially that it did not adopt all that was recommended for the public schools, said Commissioner Macfarland today, "we realize that very much that we asked for, and we shall have another opportunity when we appear before the Senate committee on appropriations."

### Appeal to the Senate.

"Assuming that the House adopts the bill substantially as reported by the House committee on appropriations, we shall ask the Senate committee to recommend all of the District budget that is recommended by the House, stating that the District revenues are ample to provide for the District's half of the whole budget of estimates if the estimates for extraordinary improvements, including public school buildings, are considered separately and paid for gradually. Until this is done the extraordinary projects of improvement must be deferred or our current expenditures must be cut, or both."

"Among the valuable new provisions in the bill is that for the municipal architect, recommended by the Commissioners, to have charge of the construction and repairs of all municipal buildings, relieving the inspector of buildings so that he can devote himself to inspection work."

### Cost District a Million.

"If the bill should become law as reported by the committee, the District would have to pay in round numbers, a million dollars next year toward the payment of the four million dollars due the Treasury because of the extraordinary improvements."

"This reduces the appropriations by twice that amount. Extraordinary projects, including the high-pressure fire-protection service, the Rock Creek valley and the Anacostia and Washington harbor improvements, together with the general provision for the public school buildings and grounds, must be deferred under the bill as it is reported. Provision, however, is made for the examination of titles in the Anacostia basin preparatory to the improvement."

### Does Not Know Why She Took the Money.

KANSAS CITY, Mo., January 7.—Miss Nellie O'Donnell, a former cashier for the Schwarzschild & Sulzberger Beef and Provision Company, was arrested last night on a charge of embezzling \$4,000 from the company. According to the police, Miss O'Donnell has made a confession, and stated that she did not know why she took the money.

## THIRD VICTIM OF PELLAGRA

### NEGRO FARMER DIES IN GEORGIA HOSPITAL.

General Alarm Among Colored People Who Subsist on Musty Corn Food.

ATLANTA, Ga., January 7.—Three recent deaths in Atlanta hospitals from pellagra, a disease which made its first appearance in this section less than three months ago, have occasioned the health department no little concern.

The announcement that the disease is primarily due to the eating of food made from musty corn has caused general alarm among the negro population, whose chief diet is corn bread.

The latest death occurred yesterday. A. J. Fincher, a negro farmer, was brought to a local hospital several days ago from his home at Menaville, Ga., and died there.

Pellagra made its appearance in South Carolina more than a year ago. Dr. J. W. Babcock, superintendent of the South Carolina Hospital for the Insane, has recently returned from Italy, where he spent several months investigating the disease. No reliable cause has been discovered, but it is common throughout the southern part of Italy.

### R. C. LATHAM KILLS HIMSELF.

#### Wealthy and Popular Supervisor of Prince William County.

SPECIAL DISPATCH TO THE STAR.

MANASSAS, Va., January 7.—R. C. Latham, one of the wealthiest and best known citizens of this county, committed suicide this morning by shooting himself in the head with a pistol at his home near Hickory Grove. No cause for the act is known, as the deceased was apparently of sound mind and in excellent health. He had no financial difficulties and had but recently given his children valuable properties, real and personal.

He was a useful member of the board of supervisors of this county and attended its meeting last Monday, where he transacted business with unusual clearness and promptness.

### UNKNOWN NEGRO LYNCHED.

#### Posse's Manner Indicated Dispatch of Woman's Assault.

LEXINGTON, S. C., January 7.—Reports have just reached here of the lynching of an unknown negro in Lexington county, about four miles north of here. The reported lynching followed an attempted criminal assault upon Mrs. Thomas Wingard, aged fifty-three, the wife of a prominent farmer.

Mrs. Wingard was in the back yard of her home, when she was attacked. The negro was frightened away by her screams and by the approach of the woman's husband, who was working near by.

The neighborhood was aroused when the news of the attempted assault became known and a posse was formed to go in pursuit of the negro. Sheriff P. H. Corley also followed with bloodhounds.

Returning citizens stated that the negro had been captured, indicating by their manner rather than by their speech that he had been lynched. The negro, it is said, offered fight and shot the sheriff in the leg, further arousing the mob's wrath.

Mrs. Wingard suffered a severe nervous shock and is under a physician's care.

C. F. Kimball Dies in Chicago.  
CHICAGO, January 7.—Charles F. Kimball, president of the manufacturing firm of C. F. Kimball & Co., died at his home in this city today, aged fifty-four years. He was a member of numerous civic organizations.

### Found Almost Frozen to Death.

CHICAGO, January 7.—An unidentified man, thought by the police to have been attacked and robbed, was found in an alley late last night. Detectives think that he was hurrying home when he was seized, dragged into the alley and beaten into insensibility. He was almost frozen to death when found.

## FRATS FROWNED UPON

Educational Societies in the Schools to Be Encouraged.

## POLICY IS DECIDED ON

Control Is Given Into the Charge of Principals.

## STRINGENT RULES SET DOWN

Recommendations of Committee of Investigation Promulgated by Superintendent Stuart.

"Our policy will be to put a premium on societies with positive educational purposes. We look for no growth in the number or influence of the secret organizations."

A. T. Stuart, superintendent of public schools, thus outlined to a reporter for The Star this morning the policy of the educational authorities in dealing with the high school fraternities in accordance with the report of the special committee appointed to investigate them, and thus epitomized his instructions to the high school principals regarding the secret societies.

"The high school principals told the committee that they could control the fraternities and sororities. I was directed to notify them to do so, subject to the restrictions, named in the report," he continued.

"We want the principals to encourage such useful organizations as musical, literary, dramatic and debating clubs—all educational in their aims—in the hope that the pupils may see how beneficial they are."

"If the frats develop mischief the board will see fit to deal with them. We have had no trouble with them and expect none."

Supt. Stuart today sent to principals of high schools carefully prepared instructions outlining how the principals are to deal with the fraternities and sororities.

### Superintendent Decides Policy.

He reviews the report of the special committee, presents its conclusions and then adds:

"At a conference December 21 between the committee on normal and high schools, Dr. B. W. Evermann, chairman, Mrs. Justina R. Hill and Mrs. R. H. Terrell present, with Assistant Supts. Hughes and Bruce, the principals of high and manual training schools with one exception, one of the normal school principals and the superintendent of schools, the report on school fraternities was thoroughly considered and its conclusions indorsed."

"The principals present expressed confidence in their ability to cope with and control these organizations under the terms of the committee's recommendations. I was directed to notify all the principals of normal and high schools, and the principals of the school any influence that they might have on the part of the committee to trust the supervision of the existing societies to the respective principals."

"You are to exercise this control with due vigilance. Whenever these societies are found to exert upon the activities or discipline of the school any influence that manifestly makes for evil you will promptly report the facts in the case, will submit the same to the committee of the board with a recommendation for such measures as the gravity of the circumstances may warrant."

"I have no objection to the exercise of discretion of the respective principals and the good sense of the pupil members of these organizations, helped by the principals, to control the conduct of these societies as to make unnecessary any further action in the near future on this subject."

"Musical, literary, reading and debating clubs and associations, and all others with purely educational objects, should be fostered in every way possible by principals and teachers in the hope that they may ultimately supplant the numerous clubs of a social character which spring up everywhere among secondary pupils without impulse or patronage from the faculties, and which usually prove obstacles in the way of advancement in their studies."

### Recommendations of Committee.

The investigating committee presented a long report on the condition of the secret fraternities in high, normal and manual training schools. It concluded with the following statement of recommendations:

"In view of these conclusions, the committee recommends no drastic measures in dealing with the secret society question in our high schools, but only such regulatory measures as will, in the opinion of the committee, guard our schools from the evils and abuses prevalent elsewhere. The committee is unanimous in these recommendations."

All meetings of all secret societies and other social clubs shall be held only in the homes of parents or members. No high school society shall maintain a clubhouse.

"Meetings may be held only in the afternoon or evening of school holidays or days next preceding school holidays."

"No pupils of the high schools shall become a member of secret societies or other social clubs, or become pledged thereto before the third high school year."

"Initiations into secret societies or other social clubs shall be unobtrusive and in no way connected with the school."

"No insignia except the society pin shall be worn in the school by members of societies."

"No recognition shall be given to secret societies in any way, except in the several high school papers."

The report is signed by W. S. Small, Allan Davis, Emerson W. Matthews, John W. Adams, Mary Platt, Gilbert W. Kelly, Nora Hoegberg and Katherine Reed.

### Principal Davis' Comment.

In signing the report Principal Allan Davis adds:

"In accepting this report I wish to further insist that the practice of secrecy by associations of minors should be discouraged, and that members of high school societies should be bound by no obligation of secrecy other than that which controls the conduct of fair-dealing citizens of a democratic community."

"The secret feature of high school societies seems to me to be unnecessary, undesirable and potentially harmful."

## ACQUITTAL IN ERB CASE

Sisters Go Free After Night of Worried Suspense.

## JURY OUT EIGHTEEN HOURS

Defense Apprehensive of Disagreement as to Mrs. Beisel's Fate.

## AFFECTING SCENE IN COURT

Accused Fall Into Each Other's Arms and Weep—Give Thanks for the Verdict.

MEDIA, Pa., January 7.—Mrs. Florence M. Erb, wife of Capt. J. Clayton Erb, who was well known in political circles all over Pennsylvania, and her sister, Mrs. Catharine Beisel, were charged with the sensational murder of Capt. Erb the night of October 6, 1908, today walked from the Delaware county courthouse free women.

After the jury had been out nearly eighteen hours it brought in a verdict of not guilty in the case of each woman, both charged separately and jointly with shooting the captain.

Thus ends a trial that has held the interest of the people of the state for more than a week, during which much scandalous evidence was brought out, some of which did not reach the reading public. Almost up to the moment when the jury announced that it had agreed the prospects for a unanimous decision of the twelve men were dim. During the morning the jury filed into court and asked for further instructions on the question of self-defense.

### Jury Reaches Agreement.

While the spectators were still standing in the courtroom discussing the instructions given the jury word came from the jury room that the men had agreed. The defendants were sent for at once. There was a minute's delay before they arrived. During this heartbreaking interval the defendants' attorneys were so nervous they could not remain still. Jumping from their seats, striding up and down, sitting down again—hands in pockets—heads clasped behind their backs—they were more restless than any jungle animal cage of any size.

Judge Johnson took his seat just as the jury was escorted into the room. There was a minute's delay before the court clerk went through the usual proceeding of asking the jury if they had reached a verdict.

The foreman announced the verdict of acquittal.

### Not Guilty, Says Foreman.

There was a second's pause, a dead silence, then with a half scream, the sisters fell in each other's arms.

Everybody in the courtroom was on his or her feet. Women wept as they looked at the pathetic scene.

In an instant the women were surrounded by their friends and attorneys and overwhelmed with congratulations. Harry Beisel threw his arms around his wife and sister-in-law, Mrs. Erb. Tears came to their eyes. This scene lasted several minutes.

The jury was not polled. After Judge Johnson had asked the jury if they had reached a verdict, the foreman, Mr. Beisel, did likewise. They went down the line of the twelve men.

Tears stood in the eyes of most of them. The thanks of the women were sobbed out in broken sobs.

"I was innocent, and knew I would be acquitted," said Mrs. Erb, after the jury had gone. "I was only fearful of my sister. I did not know what they might do to her for doing what she did to save my life."

Mrs. Beisel said: "I thank God as all over. No, I have not been innocent of acquittal. For you never know what twelve men will do. I was sure of my sister's freedom, but not of my own. I knew I was innocent of any crime."

"The district attorney said: 'We have prosecuted the case honestly and fairly and you have performed full duty to the community.'"

Mr. Fromehead said: "Of course, we are satisfied. We were a first-class jury and the jury stayed all night, but I felt that acquittal must come."

### Jury Locked Up Over Night.

The case was given into the hands of the twelve men yesterday afternoon. There were many rumors about as to the standing of the jury, but none of them could be traced to any authoritative source. The rumor was that some jurors were for convicting Mrs. Erb and convicting Mrs. Beisel of manslaughter. Another rumor said the jury was divided between acquittal for both or conviction of manslaughter.

The jurymen were escorted from their room in the courthouse this morning to a private house nearby, where they had breakfast at 8 o'clock. They were in charge of three tipstaves, and did not discuss the case while at breakfast.

On their way back to the courthouse one of the jurymen looked tired. They had been up most of the night arguing and balloting.

Judge Johnson, who tried the case, came to the courthouse at 10 o'clock and announced that he would not send for the jury unless they wanted additional instructions.

### Prisoners and Counsel Worried.

Mrs. Erb and Mrs. Beisel and their attorneys were worried by the long delay and fearful that a disagreement would be the best they could expect for.

The sisters spent the night in jail, occupying adjoining cells. They slept well, not awakening until after 8 o'clock.

Their first question, of course, was: "Any verdict?" When informed of the verdict, the sisters were overjoyed. Mrs. Erb was asked if she knew Litzenberg, the fox-hunting member of the jury, and if she thought he was holding out in favor of her sister and herself.

She sent word that she had never met him while fox hunting, as far as she could recollect, and did not think him prejudiced in their favor.

At 9:45 o'clock the jury came in and asked for further instructions on the question of self-defense.

One juror asked what Mrs. Beisel was justified in doing when Capt. Erb came at her, which resulted in the shooting. The juror wanted to know why she did not go into her room again when she saw Erb approaching her.

The court then over the evidence and said that Mrs. Beisel thought that she was in danger of death from Erb or in danger of great bodily harm she had a right to defend herself.

### Jury Brought Back.

The jury then retired, but was immediately brought back at the request of counsel for the defense. He thought